Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

# ENVIRONMENTAL ASSESSMENT
**For Routine Actions with Limited Environmental Impact**

## Part I. Proposed Action Description

1. Applicant/Contact name and address: John M Ames
   5018 Expedition Circle
   Ray, ND 58849

2. Type of action: Application for Beneficial Water Use Permit No. 42M-30064201

3. Water source name: Yellowstone River

4. Location affected by project: SWNWSE, Section 2, T22N, R59E, Richland County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
   This application proposes to divert water from the Yellowstone River, by means of a pump, from January 1 – December 31 at 2.5 CFS up to 578 AF, from a point in the SWNWSE Section 2, T22N, R59E, Richland County for water marketing use from January 1 – December 31. The place of use is the point of sale (water depot) is located in the SENENE Section 13, T22N, R59E, Richland County. The service area is generally located in all of McCone, Roosevelt and Richland Counties.

   The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
   (include agencies with overlapping jurisdiction)

   Montana Natural Heritage Program
   Montana Department of Environmental Quality Website (TMDL 303d Listing)
   National Wetland Inventory (Website)
   NRCS Web Soil Survey

## Part II. Environmental Review

### 1. Environmental Impact Checklist:

## PHYSICAL ENVIRONMENT

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

***Water quantity*** *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination*: This reach of the Yellowstone River is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks (DFWP). The DFWP has a water reservation on this portion of the Yellowstone River to maintain instream flows that varies depending on the time of year. The table below provides the instream flows by month.

| **Section:** N.D. BORDER to TONGUE R<br>**Type:** Water Reservation Granted<br>**River Miles:** 15.3 to 183 | | | |
|---|---|---|---|
| Begin Date | End Date | Flow (CFS) | Priority Date |
| 01 / 01 | 01 / 31 | 3738 | 12/15/1978 |
| 02 / 01 | 02 / 31 | 4327 | 12/15/1978 |
| 03 / 01 | 03 / 31 | 6778 | 12/15/1978 |
| 04 / 01 | 04 / 31 | 6808 | 12/15/1978 |
| 05 / 01 | 05 / 31 | 11964 | 12/15/1978 |
| 06 / 01 | 06 / 31 | 25140 | 12/15/1978 |
| 07 / 01 | 07 / 31 | 10526 | 12/15/1978 |
| 08 / 01 | 08 / 31 | 2670 | 12/15/1978 |
| 09 / 01 | 09 / 31 | 3276 | 12/15/1978 |
| 10 / 01 | 10 / 31 | 6008 | 12/15/1978 |
| 11 / 01 | 11 / 31 | 5848 | 12/15/1978 |
| 12 / 01 | 12 / 31 | 3998 | 12/15/1978 |

***Water quality*** *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination:* The Yellowstone River is listed on the 2012 Montana 303(d) list as fully supporting agricultural uses, drinking water and primary contact recreation. This reach of the Yellowstone River is listed as partially supporting aquatic life. The probable sources for the impairment are flow regulation, agriculture, municipal point sources, natural sources and streambank modification/destabilization. As there will be no return flows of water to the river, there will be no degradation of the water quality as a result of this project. The applicant has obtained a 310 permit from the Richland County Conservation District to develop the pump site. No significant impact should occur.

***Groundwater*** *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination*: This surface water appropriation should have no significant impact on groundwater in the area.

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination*: The diversion means consists of a Cornell 5HH centrifugal pump with a floating summer intake. During the winter months a Goulds 9THC two stage vertical submersed pump will be used. Only one of the pumps can be used at a time. Once water is diverted by either intake, it travels to a tee that joins the two intake structures through an inline totalizing flow meter to a common 12" SDR 26 PVC mainline. Once in the mainline, water travels approximately 2½ miles to the water depot site. Inside each building the water will split via two 6" pipes and run through sand filters (Fresno model 248). Once filtered, the water will discharge through 4" outlets. The system is designed to deliver water by way of a 4" side load hookup. The diversion works will have no significant impact on the channel, flow, barriers, riparian areas, dams and wells constructed in the area.

**UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

***Endangered and threatened species*** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

*Determination*: A report received from the Montana Natural Heritage Program indicates there are ten species of special concern within the general area of the project. The pallid sturgeon and the whooping crane are listed as endangered. The sauger, sturgeon chub, blue sucker, paddlefish, spiney softshell turtle, red-headed woodpecker, black-tailed prairie dog and townsend's big-eared bat have been classified by the Bureau of Land Management as sensitive. The applicant has obtained a 310 permit from the Richland County Conservation District to develop the pump site. The 310 application was forwarded to the Montana Department of Fish, Wildlife & Parks and the US Army Corp of Engineers to determine if a 124 permit or 404 permit would also be required. The pump intakes will be screened to prevent the entrapment of fish.

***Wetlands*** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination*: According to the National Wetlands Inventory, other than the Yellowstone River, there are no known wetlands within the project area.

***Ponds*** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination*: Not applicable.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination*: According to the NRSC Web Soil Survey the soils at the pump site are Riverwash and have not been rated for uses. The applicant will gravel and re-seed the ramp to grass to minimize erosion. The water depot will be located 2 ½ miles from the pump site. The soil type at this site is Shambo loam, a well drained soil with a high available water capacity. The depot site will be graded and graveled for truck traffic. The soil will be temporarily disturbed during construction. No permanent degradation to soil quality, stability or moisture content is anticipated.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination*: The project is located on land that is currently farmed. The majority of the 2 ½ mile buried pipeline will be installed under cropped fields. The control of noxious weeds is the responsibility of the property owner.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination*: The pump will be electric and there will be no deterioration of air quality as a result of this appropriation.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination*: Not applicable - the project is not located on State or Federal Lands.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination*: No additional impacts on other environmental resources were identified.

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination*: There are no known local environmental plans or goals in this area.

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination*: This project will have no significant impact on recreational or wilderness activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination*: This project will have no significant impact on human health.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No _**X**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

*Determination*: There are no additional government regulatory impacts on private property rights associated with this application.

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

*(a)* *Cultural uniqueness and diversity?* No significant impact.

(*b)* *Local and state tax base and tax revenues?* No significant impact.

*(c)* *Existing land uses?* No significant impact.

(*d)* *Quantity and distribution of employment?* No significant impact.

*(e)* *Distribution and density of population and housing?* No significant impact.

*(f)* *Demands for government services?* No significant impact.

*(g)* *Industrial and commercial activity?* No significant impact.

*(h)* *Utilities?* No significant impact.

*(i)* *Transportation?* No significant impact.

*(j)* *Safety?* No significant impact.

*(k)* *Other appropriate social and economic circumstances?* No significant impact.

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

**3.** ***Describe any mitigation/stipulation measures:*** None

**4.** ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** Under the no action alternative, the applicant would not have the benefit of water for this project and the revenue that would come from marketing of water. The ultimate end users of the marketed water would need to obtain water from other sources and would have to drive further to purchase the water.

## *PART III. Conclusion*

***1.*** ***Preferred Alternative:*** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

***2 Comments and Responses***

**3.** ***Finding:***
*Based on the significance criteria evaluated in this EA, is an EIS required?* No

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* No significant impacts have been identified, therefore an EIS is not necessary.

*Name of person(s) responsible for preparation of EA:*

*Name:* Denise Biggar
*Title:* Deputy Regional Manager
*Date*: June 26, 2013